

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Rio Nutrias

NOTICE AND ORDER TO SHOW CAUSE

TO ALL CLAIMANTS, KNOWN AND UNKNOWN, WHO CLAIM A RIGHT TO USE
THE SURFACE OR UNDERGROUND WATERS OF THE RIO NUTRIAS SUBSECTION OF
SECTION 3 OF THE RIO CHAMA STREAM SYSTEM

AND TO ALL OF THE FOLLOWING WHO CLAIM A RIGHT TO USE SURFACE
WATER FOR IRRIGATION PURPOSES IN THE RIO NUTRIAS SUBSECTION OF SECTION
3 OF THE RIO CHAMA STREAM SYSTEM AND WHOSE NAMES APPEAR BELOW:

<u>DEFENDANT</u>	<u>ACEQUIA OR DITCH</u>	<u>PRIORITY</u>
Antonio Esquibel	La Acequia Del Terrero	1888
Juan R. Montano	La Acequia Del Terrero	1888
Antonio Esquibel	La Acequia Del Gilberto	1888
Anthony G. Tafoya	Tafoya/Esquibel	1885
Anthony G. Tafoya II	Tafoya/Esquibel	1885
Chris E. Tafoya	Tafoya/Esquibel	1885
Louis R. Tafoya	Tafoya/Esquibel	1885
Lucia A. Montoya	Tafoya/Esquibel	1885
Robert J. Montoya	Tafoya/Esquibel	1885
Joe B. Valdez	Esquibel/Valdez	1890

Domitilia L. Ulibarri	Vega	1878
Feliberto Ulibarri	Vega	1878
Joann Valdez	Vega	1878
Joe B. Valdez	Vega	1878
Juan R. Montano	Vega	1878
Lucia A. Montoya	Vega	1878
Robert J. Montoya	Vega	1878
Joann Valdez	Ben Valdez	1878
Joe B. Valdez	Ben Valdez	1878
Justiano Valdez	Ben Valdez	1878
Margie Atencio	Ben Valdez	1878
Silviano Atencio	Ben Valdez	1878
Abel Valdez	Joe B. Valdez	1895
Joe B. Valdez	Joe B. Valdez	1895
Estanislao Roybal	Espiriano Velasquez	1899
Lucia Roybal	Espiriano Velasquez	1899
Margie Atencio	Espiriano Velasquez	1899
Silviano Atencio	Espiriano Velasquez	1899
Antonio Esquibel	Acequia Perfecto Esquibel	1875
Juan R. Montano	Acequia Perfecto Esquibel	1875
Lucia A. Montoya	Acequia Perfecto Esquibel	1875
Robert J. Montoya	Acequia Perfecto Esquibel	1875
Arturo Esquibel	Acequia Pedro Esquibel	1893
Lucia A. Montoya	Acequia Pedro Esquibel	1893
Robert J. Montoya	Acequia Pedro Esquibel	1893
Anthony G. Tafoya	Esquibel	1885
Anthony G. Tafoya II	Esquibel	1885
Arturo Esquibel	Esquibel	1885
Juan R. Montano	Esquibel	1885
Juan R. Montano Rev. Trust	Esquibel	1885
Louis R. Tafoya	Esquibel	1885
Lucia A. Montoya	Esquibel	1885
Robert J. Montoya	Esquibel	1885
Anthony G. Tafoya II	Unnamed Ditch No. 2	1885
Juan R. Montano Rev. Trust	Unnamed Ditch No. 2	1885

Anthony G. Tafoya II	Unnamed Ditch No. 3	1885
Jose D. Eturriaga	Abeyta	1877
Jose M. Abeyta	Abeyta	1877
Jose D. Eturriaga	Epifanio Ulibarri	1878
Estate of Elsie Chang	Maes/Sanchez	1882
Jose D. Eturriaga	Maes/Sanchez	1882
Orlando Ulibarri	Maes/Sanchez	1882
Phil Sanchez	Maes/Sanchez	1882
Robert J. Ulibarri	Maes/Sanchez	1882
Estate of Elsie Chang	Luis Sanchez	1882
Leroy Martinez	Luis Sanchez	1882
Orlando Ulibarri	Luis Sanchez	1882
Phil Sanchez	Luis Sanchez	1882
Harold Ulibarri	Martinez/Ulibarri	1882
Leroy Martinez	Martinez/Ulibarri	1882
Robert J. Ulibarri	Martinez/Ulibarri	1882
Harold Ulibarri	Solomon Ulibarri	1882
Napoleon L. Ulibarri	Solomon Ulibarri	1882
Napoleon L. Ulibarri	Juan Ulibarri	1882
Jose D. Eturriaga	Emilio Samora	1868
Jose D. Eturriaga	Juan Pablo Samora	1904

You are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the priority date of your water right and ditch, or the priority dates for any other community or private ditch in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System ("Nutrias Subsection") as described above.

In addition, you are hereby notified that the Court has entered an order requiring you to file an objection with the Court if you disagree with the State's proposed determination of the irrigation water requirements for surface water irrigation use in the Nutrias Subsection as described below:

- a. The weighted consumptive irrigation requirement (CIR) is 1.13 acre-feet per acre per annum.

- b. The farm delivery requirement (FDR) is 2.83 acre-feet per acre per annum.
- c. The project diversion requirement (PDR) is 4.71 acre-feet per acre per annum.

The term “Consumptive Irrigation Requirement” (“CIR”) refers to the quantity of water, expressed in acre-feet per acre per year, exclusive of effective precipitation, that is consumptively used by plants or is evaporated from the soil surface during one calendar year. The term “Farm Delivery Requirement” (“FDR”) refers to the quantity of water expressed in acre-feet per acre per year, exclusive of effective precipitation, delivered to the farm headgate or which is diverted from a source of water which originates on the farm itself, such as a well or spring, necessary to satisfy the consumptive irrigation requirements of crops grown on a farm in one calendar year. The “Project Diversion Requirement” (“PDR”) or off-farm diversion requirement is defined as the quantity of water, exclusive of effective precipitation, which is diverted from the stream or an off-farm source to satisfy the farm delivery requirement for one calendar year. The irrigation water requirements set forth above do not include diversion requirements associated with stockponds or other impoundments determined to have valid water rights in these proceedings.

If you agree with the priority dates and irrigation water requirements described above, you do not need to take any action. If any objections are filed by any persons you may participate in the proceedings to resolve those objections. If no objections are filed, the Court will enter an order that recognizes the elements of the water rights for surface water irrigation use in the Nutrias Subsection as described above. If you disagree, you must follow the instructions below.

This will be your only opportunity in these proceedings to object to the determination of priority dates or irrigation water requirements in the Nutrias Subsection. Subsequent *inter se* proceedings in the Nutrias Subsection will not include the opportunity to object to those determinations.

IT IS THEREFORE ORDERED THAT if you object to any of the priority dates stated above, or to the irrigation water requirements for surface water irrigation use in the Nutrias Subsection as stated above, you must file your objection with the Court, in person or by mail **FOR RECEIPT NO LATER THAN July 31, 2010:**

United States District Court Clerk
106 South Federal Place
Santa Fe, NM 87501

If you timely file an objection the Special Master will notify you of a mandatory scheduling and

pretrial conference, where you will learn how objections will be heard by the Court. This will be your only opportunity to object to these elements of your water rights or any other water rights. If you fail to timely object and attend the scheduling and pretrial conference you may not raise objections in the future.

If you have any questions, call or write:

Edward G. Newville
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 phone
(505) 867-2299 facsimile

or,

John W. Utton
Attorney for Asociación de Acéquias Norteñas de Rio Arriba
Sheehan, Sheehan & Stelzner PA
P.O. Box 271
Albuquerque, NM 87103-0271
(505) 699-1445 telephone
(505) 842-8890 facsimile



BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Approved:

/s/ Vickie L. Gabin
VICKIE L. GABIN
SPECIAL MASTER